

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-090345

07/02/2010

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT

M. Kay

Deputy

IN RE THE MARRIAGE OF
CHRISTOPHER MICHAEL MASON

CHRISTOPHER MICHAEL MASON
3525 N SONORAN HEIGHTS
MESA AZ 85207

AND

AMY BETH MASON

AMY BETH MASON
3935 E LAVENDER LN
PHOENIX AZ 85044

CONCILIATION SERVICES-SE
FINANCIAL SERVICES-BILLING-CCC

MINUTE ENTRY

Courtroom 403 – SEA

9:04 a.m. This is the time set for Resolution Management Conference re: Respondent's Verified Post-Decree Petition to Enforce the Court Order and Consent Decree About Division of Property and Petition to Modify Child Support Order. Petitioner is present on his own behalf. Respondent is present on her own behalf.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

The Court has also received and reviewed Petitioner's Partial Motion to Dismiss and Petitioner's Petition for Mediation filed on June 16, 2010.

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Discussion is held.

With regard to Petitioner's Petition for Mediation,

IT IS ORDERED granting Petitioner's Petition for Mediation.

With regard to Respondent's Verified Post-Decree Petition to Enforce as it relates to the marital residence, for the reasons set forth on the record and for the reasons expressed in Petitioner's Motion to Dismiss,

IT IS ORDERED granting Petitioner's Motion to Dismiss.

IT IS FURTHER ORDERED that Respondent's Verified Post-Decree Petition to Enforce as it relates to the marital residence is dismissed with prejudice.

With regard to Respondent's Verified Post-Decree Petition to Enforce as it relates to the Lavender property,

The Court is without jurisdiction to consider Respondent's request because of Petitioner's bankruptcy petition.

IT IS ORDERED that Respondent's Verified Post-Decree Petition to Enforce as it relates to the Lavender property is dismissed without prejudice because of the bankruptcy proceeding. However,

The Court is inclined to believe if the Lavender property is listed in Petitioner's bankruptcy petition and Respondent feels she is entitled to relief regarding the property, she may be required to seek that relief through the bankruptcy court.

To the extent that Respondent is asking for enforcement of support obligations that may have existed prior to the filing of the petition in this case,

IT IS ORDERED that Respondent's request is dismissed without prejudice.

With regard to Respondent's Petition to Modify Child Support Order,

Respondent's Petition to Modify will be set for evidentiary hearing. The Court will consider whether it is appropriate to modify the support obligation given Petitioner's request to modify parenting time and Respondent's alleged changed circumstances.

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IT IS ORDERED that both parties shall separately attend and complete a High Conflict Resolution class within 60 days of the date of this order. Each party shall call **(480) 727-7135** to register for the class. Each party shall also pay a class fee of **\$50** at the Clerk of Court filing counter, at any Superior Court location, at least 5 days prior to their scheduled class. Each party must bring a copy of the payment or deferral receipt to class. Specific information regarding the date, time and location of the class will be provided when each party calls the above number. Upon completion of the class, Conciliation will report each party's compliance with the order by updating iCIS, the Court's computer system.

WARNING

IF YOU FAIL TO SCHEDULE AND ATTEND THE CLASS AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND FOR ANY REASON, YOU MUST REQUEST AND BE GRANTED PERMISSION TO RESCHEDULE YOUR ATTENDANCE AT LEAST 24 HOURS BEFORE THE SCHEDULED CLASS. PLEASE CALL THE NUMBER LISTED ABOVE IF YOU NEED TO REQUEST TO RESCHEDULE YOUR ATTENDANCE.

IT IS ORDERED referring the parties to Conciliation Services for post-decree mediation of parenting time issues. The parties shall comply with all instructions and directives issued by Conciliation Services.

IT IS FURTHER ORDERED that each party must pay the **\$100 per party** fee at the Clerk of the Court filing counter, at least 30 days before the mediation. Each party must bring the receipt for payment or deferral to the mediation. Forms to request a fee deferral are available at the filing counter.

IT IS FURTHER ORDERED setting Mediation for **July 22, 2010 at 1:30 p.m.** in Conciliation Services at:

**Maricopa County Superior Court
Southeast Regional Court Center
222 East Javelina, Suite 1300
Mesa, Arizona 85210**

WARNING

IF YOU FAIL TO APPEAR AT THE MEDIATION AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR

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CASE TO RESCHEDULE THE SESSION AT LEAST THREE FULL COURT DAYS BEFORE THE MEDIATION. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

IT IS ORDERED setting an Evidentiary Hearing re: Petitioner's Petition to Modify Parenting Time, Respondent's Petition to Modify Child Support, and Respondent's request for a custody evaluator on **August 17, 2010 at 2:00 p.m. (2 hours allowed)** in this Division at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 403
Mesa, AZ 85210

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

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4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that each party shall deliver their exhibits to the Clerk of this Division no less than 5 days prior to the hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

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IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

IT IS ORDERED that the requirements of Rule 81 are waived and this minute entry is signed as the formal written Order of this Court.

9:50 a.m. Conference concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

July 6, 2010
Date

/ s / HONORABLE DAVID M. TALAMANTE

JUDICIAL OFFICER OF THE SUPERIOR COURT